



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P(MD)No.4016 of 2015

A.Kalimuthan

... Petitioner

Vs.

1.The Principal District Judge,
Tuticorin District,
Tuticorin.

2.The Sub Judge,
Tuticorin,
Tuticorin District.

3.The Additional District Munsif,
Tuticorin,
Tuticorin District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the 2nd respondent to a reconstruct a new bundle within the time stipulated by this Honourable Court.

For Petitioner : Mr.C.Asaithambi

For Respondents : Mr.N.Mohideen Basha

ORDER

(Order of the Court was made by **S.TAMILVANAN, J**)

This writ petition has been filed invoking Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus, directing the Sub Judge, Tuticorin, the second respondent herein to reconstruct a new bundle within the time stipulated by this Court.

2.If any case bundle is missing, the petitioner should approach the concerned Court in writing and then, the District Court, if need be to High Court on the administrative side, even he can invoke Article 227 by filing a petition, if the remedy is not available in approaching the authorities administratively. However, writ petition cannot be filed under Article 226 of the Constitution of India seeking an order directing the Sub Judge to reconstruct the case bundle. This writ Court dealing with writ jurisdiction, cannot verify the genuineness of the averments and the details given by the petitioner in the writ petition. On the aforesaid circumstances, we are of the view that the writ petition itself is not legally sustainable. However, we make it clear that it is open to the petitioner to approach the Principal District Judge, Tuticorin in writing administrative side of the High Court and



then file a petition under Article 227 of the Constitution in case, the remedy is not available.

3. With the above observation, the writ petition is dismissed. No costs.

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Sd/-

Assistant Registrar (AS)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Principal District Judge,
Tuticorin District,
Tuticorin.

2. The Sub Judge,
Tuticorin,
Tuticorin District.

3. The Additional District Munsif,
Tuticorin,
Tuticorin District.

+1cc to Mr. C. Asaithambi, Advocate, SR.No.13854

W.P (MD) No.4016 of 2015
23.03.2015

sms

PA/10.04.2015/2P/5C